

Attorney Docket No.: **ABLE-0021**
Inventors: **Secombes et al.**
Serial No.: **10/088,780**
Filing Date: **July 22, 2002**
Page 5

REMARKS

Claims 55, 58, 60-63, 65, 66, 68 and 70-75 were pending in the instant applications. Claims 55, 58, 60-63, 65, 66, 68 and 70-75 have been rejected. These claims have been canceled without prejudice and subject thereof is now presented in new claims 76 through 78. Further support for claims 76 through 78 can be found in the specification, for example at page 9, line 21, through page 10, line 22. No new matter is added by this amendment and entry is respectfully requested. Reconsideration is respectfully requested in light of these amendments and the following remarks.

Cancellation of claims 55, 58, 60-63, 65, 66, 68 and 70-75 renders moot all claim objections as well as the rejection under 35 U.S.C. 112, second paragraph, as new claims 76-78 do not contain the language objected to or deemed indefinite.

Further, cancellation of claims 55, 58, 60-63, 65, 66, 68 and 70-75 and presentation of new claims 76-78 is believed to overcome all written description rejections under 35 U.S.C. 112, first paragraph, including the new matter rejection, as new claims 76-78 are drawn to a gene construct comprising the viral haemorrhagic septicaemia

Attorney Docket No.:

ABLE-0021

Inventors:

Secombes et al.

Serial No.:

10/088,780

Filing Date:

July 22, 2002

Page 6

virus-neutralizing single chain antibody BU1 comprising Genebank Accession Number AF302092 in accordance with teachings at pages 9-10 of the instant specification, a composition comprising the construct and a method for prophylactically treating fish against viral haemorrhagic septicaemia virus with the composition.

Finally, cancellation of claims 55, 58, 60-63, 65, 66, 68 and 70-75 and presentation of new claims 76-78 is believed to overcome the enablement rejection under 35 U.S.C. 112, first paragraph, as the Examiner has acknowledged the specification to be enabling for a composition for protection of a fish against VHSV comprising a non-infectious DNA nucleic acid construct encoding the single chain antibody 3F1H10 that recognizes VHSV, the DNA sequence for the antibody listed on pages 9-10 of the specification, linked at the 5' end to the secretion signal of transforming growth factor beta, and operably linked to the CMV promoter and a poly A tail for protecting a fish against VHSV infection as claimed in claims 76-78.

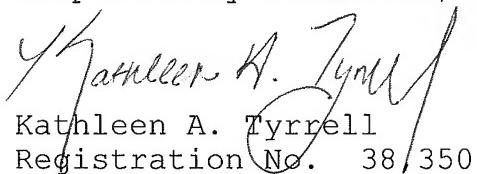
Accordingly, entry of these amendments and withdrawal of all pending objections and rejections of the claims is respectfully requested.

Attorney Docket No.: **ABLE-0021**
Inventors: **Secombes et al.**
Serial No.: **10/088,780**
Filing Date: **July 22, 2002**
Page 7

Conclusion

Applicants believe that the foregoing comprises a full and complete response to the Office Action of record. Accordingly, favorable reconsideration and subsequent allowance of the pending claims is earnestly solicited.

Respectfully submitted,


Kathleen A. Tyrrell
Registration No. 38 350

Date: **January 5, 2007**

Licata & Tyrrell P.C.
66 E. Main Street
Marlton, New Jersey 08053
(856) 810-1515